

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

MR. TERRICK NOONER,

Plaintiff,

vs.

STATE OF NEBRASKA, QUINN ROBERT
EATON, and MS. MARNIE JENSEN,

Defendants.

8:19CV360

**MEMORANDUM
AND ORDER**

This matter is before the court on its own motion. On September 16, 2019, the court required Plaintiff Terrick Nooner to show cause why he is entitled to proceed in forma pauperis (“IFP”) in this action. (See [Filing No. 13](#).) The court took judicial notice that the United States District Courts for both the Eastern and Western Districts of Arkansas have previously determined that three or more federal cases brought by Nooner, while a prisoner, were dismissed as frivolous or for failure to state a claim. See, e.g., [Nooner v. Bryant](#), No. 1:19-CV-01014, 2019 WL 2016541 (W.D. Ark. May 7, 2019) (dismissed based on three strikes rule); [Nooner v. Eisele, et al.](#), No. 4:01-cv-00498 (E.D. Ark. Aug. 16, 2001) (dismissed based on three strikes rule); [Nooner v. Camp](#), No. 5:98-cv-00345, slip op. at 1-2 (E.D. Ark. Aug. 20, 1998) (dismissed based on three strikes rule). The Prison Litigation Reform Act (“PLRA”) prevents a prisoner with “three strikes” from proceeding IFP unless the prisoner is under imminent danger of serious physical injury. [28 U.S.C. § 1915\(g\)](#).

To date, Plaintiff has not filed a response to the court’s order to show cause nor has he paid the court’s \$400.00 filing and administrative fees despite the court’s warning that failure to take either action would result in dismissal of this case.

Accordingly, the court will dismiss this case without prejudice based on Plaintiff's failure to comply with the court's orders.

IT IS THEREFORE ORDERED that:

1. Plaintiff's Motion for Leave to Proceed in Forma Pauperis ([filing no. 2](#)) is denied.
2. This case is dismissed without prejudice and a separate judgment will be entered in accordance with this Memorandum and Order.
3. Any notice of appeal filed by Plaintiff must be accompanied by the \$505.00 appellate filing fee because Plaintiff will not be allowed to proceed in forma pauperis on appeal.

Dated this 7th day of November, 2019.

BY THE COURT:

s/Laurie Smith Camp
Senior United States District Judge